

RECORDS MANAGEMENT COMMITTEE

City Manager's Conference Room, 8th Floor, City Hall

400 Stewart Avenue, Las Vegas, Nevada

CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.ci.las-vegas.nv.us>

September 21, 2001

1:30 p.m.

CALL TO ORDER: City Clerk Ronemus called the meeting to order at 1:36 p.m.

ATTENDANCE: Barbara Jo (Roni) Ronemus, City Clerk
John Redlein, Assistant City Attorney
Joseph Marcella, Director, Information Technologies
Radford Snelding, City Auditor (Excused at 2:10 p.m.)
Richard Goecke, Director, Public Works
Sharon Kuhns, Records Administrator
Chris Petersen, Building & Safety
Ted Schnoor, Building & Safety
Wendy Smith, Business Services
Angela Crolli, Deputy City Clerk
Doug Selby, Deputy City Manager (Excused at 3:20 p.m.)
Mark Vincent, Director, Finance & Business Services (Excused at 3:20 p.m.)

ANNOUNCEMENT MADE RE COMPLIANCE WITH THE OPEN MEETING LAW - Meeting noticed and posted at the following locations:

Downtown Transportation Center, City Clerk's Board
Senior Citizens Center, 450 E. Bonanza Road
Clark County Government Center, 500 S. Grand Central Pkwy
Court Clerk's Bulletin Board, City Hall
City Hall Plaza, Posting Board

(1:36)

1-1

BUSINESS:

A. APPROVAL OF FINAL MINUTES BY REFERENCE OF THE RECORDS MANAGEMENT COMMITTEE MEETING OF AUGUST 31, 2001.

SNELDING - Motion to APPROVE – GOECKE seconded the motion – UNANIMOUS

(1:36 – 1:37)

1-29

B DISCUSSION AND POSSIBLE ACTION ON ALTERNATE FEE SCHEDULES FOR PUBLIC RECORDS REPRODUCTION FOR THE FOLLOWING DEPARTMENTS/DIVISIONS AND ANY OTHER RELATED MATTERS AND:

- BUILDING & SAFETY DEPARTMENT
- BUSINESS SERVICES DIVISION OF THE FINANCE AND BUSINESS SERVICES DEPARTMENT.

Chris Petersen, Building and Safety, stated that the variation to the standard request submitted to the City Clerk and this Committee for approval is to increase the current research time fees to \$50 per hour. Over the last few months there has been a huge influx of subpoenas and requests from attorneys that fall under the extraordinary request. Staff is being utilized to fill these cumbersome requests and do not have time to perform daily job functions which is resulting in an increase of overtime costs. Assistant City Attorney Redlein asked Ms. Kuhns for clarification between a City employee whose job is xeroxing and one who is xeroxing to fulfill a public records request. Mr. Marcella stated that if an employee is hired to do copying, the hours designated to do so are based on the core operation of the department and the department's needs. If you can distinguish that the core job is not being done, and that the employee is doing something out of routine, it should be paid for. He also said that if someone is hired specifically to fulfill extraordinary requests, the requester should pay all of their salary.

Assistant City Attorney Redlein inquired if all the language in Chapter 239 is about cost and duplication or examination. An employee just pulling information for examination, without copies being made could spend thirty hours. Ms. Petersen understands that through statute, people are entitled to permanent review, but pulling information involves various filenet programs and it takes time. Ms. Kuhns advised that inspection is free. Mr. Marcella stated that inspection is free but if it is not information that is readily available, it becomes an extraordinary request. Therefore, departments should have the opportunity to charge. It was the consensus of the Committee that \$50.00 per hour is a fair amount. Chair Ronemus noted for the record that the fees must be advised before the work is done. She also stated that a basic research charge should be determined and it should be defensible. Mr. Vincent believes that the Committee should review all charges being proposed for the sake of consistency.

Assistant City Attorney Redlein stated that blue prints from the department of Building & Safety are being copied at Kinkos. The requester can copy at Kinkos for five cents per page. It is Chair Ronemus' understanding that documents should not be taken off site. Ted Schnoor, Building & Safety, stated that American Blue Print is a bonded agency so they can remove the document from city property. He also stated that everything is being entered into the filenet or electronic imaging system as quickly as possible. The paper is not always available for someone to take to Kinkos. A few attorneys have already stated that it is their right to review requested documents but because of the format, someone has to sit with them to run the computer. It is a protected system and only a few employees are able to get into the system because of the security.

Assistant City Attorney Redlein asked if the Committee had thoughts on putting an hourly research fee on the alternative fee schedule. Chair Ronemus and Mr. Vincent concur that they should not but Mr. Vincent reiterated that these fees do need to be presented to the Committee to ensure consistency throughout the departments. The consistency should be the rate or base plus fringe benefits on an hourly basis. Ms. Petersen asked how to inform people of the charges. Assistant City Attorney Redlein suggested putting it on the schedule so people are aware, although he understands that Chair Ronemus does not want it on the schedule because it is extraordinary. Mr. Vincent stated that the policy still requires the city to discuss these charges up front.

Mr. Goecke suggested to have on record that every department be authorized to determine what base plus fringe benefits is and that would be the amount that they charge for research. Chair Ronemus stated that the Committee has the authority to do this. Assistant City Manager Selby suggested there be a fee schedule with the research fee included.

Ms. Kuhns handed out a fee schedule for the Department of Planning. She discussed the similarities between this fee schedule and others that were submitted. Comparison must be made between departments to ensure that charges are consistent.

Assistant City Attorney Redlein stated that if labor costs are not included and posted on an alternative fee schedule, then there are no alternative fees. Yet, the costs of obtaining records from this department are extraordinary. Chair Ronemus stated that state law allows you to recover. Assistant City Attorney Redlein asked if the Committee does not review this as part of an alternative schedule, how does the city avoid embarrassment when labor costs between departments vary? Chair Ronemus reiterated that it should be brought before this Committee just like the alternate medium is going before this Committee, but not part of the alternate fee schedule that will have to be posted. Right now, all that has to be posted is the resolution. Assistant City Attorney Redlein suggested that the fee schedule be clearer regarding readily available records. Deputy City Manager Selby stated that by the resolution, the city only has the authority to set departures from standard copying and certification fees. Chair Ronemus suggested to Ms. Petersen that general language be used to make clear the fact that there will be a calculation for extraordinary requests. She also stated that if there is no alternate fee schedule, the cost is \$1 per page.

(1:38 – 2:10)

1-40

C DISCUSSION AND POSSIBLE ACTION ON FEES FOR PUBLIC RECORDS PROVIDED ON ALTERNATE MEDIUM.

Chair Ronemus advised the Committee that Ms. Kuhns has already called all departments requesting this information. She can also asked for their dollar amounts to calculate extraordinary requests and the Committee can review and recommend standardization. Assistant City Attorney Redlein reiterated that the resolution states only \$1 per page for copying and that no charges are currently required for general reproduction. It also states that the Records Management Committee has the authority to consider and set departures from the standard copying fees.

Mr. Marcella stated then every department would have those fees. The intent of NRS is not only to charge the media but also, it provides for the city to charge to recoup actual costs.

Assistant City Attorney Redlein noted that it is important to post labor costs as an alternative fee. Chair Ronemus asked about departments that do not have an alternate fee schedule. He replied that the director must make a judgment call. Assistant City Attorney Redlein also stated that it would be cumbersome for the requester to read through a resolution. A simple posting of a standard fee schedule, to include extraordinary costs, would due. It should read, *"Standard documents readily recoverable are \$1 per page and \$2 per certification. There may be extraordinary costs attended to request where there is difficulty in researching or recovering other public documents and the department is entitled to charge for the labor. Further, in some instances, records are requested that do not exist in the format requested and it is possible there may be even greater charges if the department chooses to create that record in response to your request."* If this were posted, it would give the requester the information regarding additional fees without having an alternative fee schedule. Chair Ronemus concurred and advised Deputy City Manager Selby that this would be a public notice under NRS and every department would be posting the same information.

Assistant City Attorney Redlein clarified for the Committee that the duplication of house plans is unlawful if they are being requested with the intent to build that house. He suggested that the posted information also include, *"Some documents in the department of Building and Safety are copyrighted and may only be reproduced in accordance with the code."*

Wendy Smith, Business Services, stated that the first two on her list are not posted for public records. The Daily Business License Application Report, which is created upon request, costs \$300 annually. It is a daily report of applications filed with Business Services. Assistant City Attorney Redlein stated that if the charge for a report amounts to less than \$1 per page, it should be on an alternative fee schedule. Ms. Smith explained that the department of Information Technologies create this report and it is less laborious and less expensive than copying. Ms. Smith clarified that the Master Business License Report is a publication. It is a list of all business licenses that is also created upon request by Information Technologies.

Ms. Smith informed the Committee that since CD's are offered, people rarely ask for a printed hard copy of the Master Business License Report. The charge for the CD is \$50 and it is based on contacting Information Technologies, and an employee to create the report and burn it to a CD. Chair Ronemus is perplexed as the City Clerk's office can put up to 750 images on one CD and the public is charged the price of the CD only. Mr. Marcella concurred with Chair Ronemus that if the application already exists, it should be the cost of the medium, plus or minus computer time. The Committee concurred that a charge of \$50 for a CD is high.

Chair Ronemus clarified with Ms. Smith that her transcript fees are not a deviation from the \$1 per page charge. Ms. Kuhns will call Ms. Smith regarding transcripts.

Chair Ronemus stated for the record that implementation of Resolution 103-2001 is effective October 1, 2001.

Chair Ronemus recessed the Records Management Committee meeting to September 26, 2001 at 2:00 p.m. in the City Clerk's Conference Room for further discussion of items C and D.

(2:10 – 3:35)

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D INFORMATIONAL MATTERS FOR FUTURE RECORDS MANAGEMENT COMMITTEE AGENDAS.

CITIZENS PARTICIPATION:

RECESSED:

The meeting recessed at 3:35 p.m.

/dw/ac